

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOHN WESLEY HORN,

Plaintiff,

v.

GREGORY JONES,

Defendant.

CASE NO. 3:21-cv-5244-RJB

ORDER ADOPTING REPORT AND
RECOMMENDATION

This matter comes before the Court on the Report and Recommendation of U.S. Magistrate Judge Theresa L. Fricke. Dkt. 29. The Court has considered the Report and Recommendation and the remaining record.

In this case, the Plaintiff, a *pro se* prisoner, asserts that his First Amendment rights were violated when the Defendant retaliated against the Plaintiff by moving the Plaintiff to a different cell after the Plaintiff complained about a previous cell move.

The Report and Recommendation (Dkt. 29) should be adopted. No objections were filed. For the reasons stated in the Report and Recommendation, the Plaintiff's Motion for Summary Judgment (Dkt. 19) should be denied and the Defendant's Motion for Summary Judgment (Dkt. 20) should be granted. The Plaintiff has failed to point to issues of fact (or show that the Plaintiff

1 is entitled to a judgment as a matter of law) as to whether Defendant was motivated by Plaintiff's
2 protected conduct or that the cell transfers did not further legitimate correctional goals. The case
3 should be dismissed.

4 It is **ORDERED** that:

- 5 • The Report and Recommendation (Dkt. 29) **IS ADOPTED**;
 - 6 ○ The Plaintiff's Motion for Summary Judgment (Dkt. 19) **IS DENIED**;
 - 7 ○ The Defendant's Motion for Summary Judgment (Dkt. 20) **IS**
8 **GRANTED**; and
- 9 • The case **IS DISMISSED**.

10 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
11 to any party appearing pro se at said party's last known address.

12 Dated this 17th day of March, 2022.

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15 ROBERT J. BRYAN
16 United States District Judge
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